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will not be denied on the ground that the agent whom plaintiff had engaged to sell the property had wrongfully acted as agent for both parties, where the agent merely transmitted complainant's offer to defendant.

[Ed. Note.—For other cases, see Specific Performance, Cent. Dig. §§ 160-171½; Dec. Dig. § 53.* 12 Va.-W. Va. Enc. Dig. 516; 14 Va.-W. Va. Enc. Dig. 936.]

3. Specific Performance (§ 64*)—Right to Specific Performance.—Where no fraud or imposition was practiced on a vendor of land and the contract was fairly entered into, the purchaser is entitled to specific performance

[Ed. Note.—For other cases, see Specific Performance, Cent. Dig. §§ 191-195, 198; Dec. Dig. § 64.* 12 Va.-W. Va. Enc. Dig. 597.]

Appeal from Circuit Court, Rockbridge County.
Suit by the Worthington Hardware Company, Incorporated, against Anna Croghan. From a decree for complainant, defendant appeals. Affirmed.

Chas. & Duncan Curry, of Staunton, for appellant.
Fitzhugh Elder, of Staunton, for appellee.

YATES *v.* YATES.

Nov. 20, 1913.

[79 S. E. 1040.]

1. Divorce (§ 184*)—Actions—Nonresident.—Unless the record on appeal shows that proper constructive service has been had on a nonresident defendant, the action of the trial court in dismissing the case for want of jurisdiction will not be disturbed.

[Ed. Note.—For other cases, see Divorce, Cent. Dig. §§ 570-573; Dec. Dig. § 184.* 1 Va.-W. Va. Enc. Dig. 538; 14 Va.-W. Va. Enc. Dig. 84; 15 Va.-W. Va. Enc. Dig. 60.]

2. Divorce (§ 79*)—Actions—Jurisdiction.—In view of Code 1904, § 2259, declaring that the circuit and corporation courts shall have jurisdiction of suits for divorce, but that no suit shall be maintainable unless one of the parties has been domiciled in the state for at least one year preceding the suit, which shall be brought in the county or corporation in which the parties last cohabited, or in the county or corporation in which plaintiff resides, the court is without jurisdiction to grant a divorce against a nonresident wife, where it appeared that the complainant husband had been domiciled in the state only since the separation from his wife, and that he had taken up his domicile in a remote county, wherein he began the action on

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

constructive service by publication, notwithstanding the fact that he knew the address of his wife in the foreign city.

[Ed. Note.—For other cases, see Divorce, Cent. Dig. §§ 258-263; Dec. Dig. § 79.* 4 Va.-W. Va. Enc. Dig. 747.]

Appeal from Circuit Court, Rockingham County.

Bill by John C. Yates against Rebecca Yates. From a decree dismissing the bill, complainant appeals. Affirmed.

Chas. A. Hammer, of Harrisonburg, for appellant.

Sipe & Harris, of Harrisonburg, for appellee.

McCAULEY et al. v. GRIM et al.

Nov. 20, 1913.

[79 S. E. 1041.]

1. Acknowledgment (§ 55*)—Impeachment.—The taking and certifying of acknowledgments to a deed is a judicial act, and therefore the officers' determination has the force of a judgment and cannot be collaterally impeached on the ground that one of the grantors did not execute the instrument, even by the testimony of the certifying justice.

[Ed. Note.—For other cases, see Acknowledgment, Cent. Dig. §§ 290-300, 303-314; Dec. Dig. § 55.* 1 Va.-W. Va. Enc. Dig. 111.]

2. Husband and Wife (§ 198*)—Coverture—Equitable Estoppel.—Where a married woman, who had not joined in a conveyance of property in which she was a tenant in common by descent, stood by and saw the innocent purchaser make valuable improvements without the slightest intimation of her purpose to bring suit, waiting until after the death of her father, who was a tenant by the curtesy, she is estopped from claiming the land; the removal of the common-law disabilities of married women increasing their moral responsibilities of ownership at least in a court of conscience.

[Ed. Note.—For other cases, see Husband and Wife, Cent. Dig. §§ 733, 944; Dec. Dig. § 198.* 7 Va.-W. Va. Enc. Dig. 203.]

3. Judgment (§ 743*)—Conclusiveness—Title.—One whose right to land had been adjudicated in a previous suit wherein she claimed that she conveyed it when an infant and so was entitled to disaffirm is concluded.

[Ed. Note.—For other cases, see Judgment, Cent. Dig. §§ 1252, 1253, 1275-1277, 1284; Dec. Dig. § 743.* 6 Va.-W. Va. Enc. Dig. 341· 14 Va.-W. Va. Enc. Dig. 466; 15 Va.-W. Va. Enc. Dig. 419.]

4. Infants (§ 99*)—Actions to Disaffirm—Evidence—Sufficiency.—In an action by an infant to disaffirm a conveyance of land, where at the time of making the deed he had nearly reached his majority

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.